

# Court of Appeals, State of Michigan

## ORDER

People of MI v Robert Byrkit Morley Jr

Docket No. 353400

LC No. 18-000008-FH

Patrick M. Meter  
Presiding Judge

Amy Ronayne Krause

Michael F. Gadola  
Judges

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The motion for immediate consideration and motion to file reply to answer to motion for bond are GRANTED. The motion for bond is DENIED. The delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

  
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Presiding Judge

Ronayne Krause, J., would remand for the trial court to articulate the reasoning for the extent of the departure imposed. The guideline range was 15-25 months and defendant's sentence was a minimum of 48 months. Defendant's minimum sentence was almost twice the high end of the guideline range and there was no articulation by the trial court for the extent of the departure from the guidelines. If the trial court had enumerated all that was included in the Attorney General's brief on this application, no remand would be necessary. However, we are a Court of record. Much of what is in the AG's brief is not in the record. Citing material outside the record is unacceptable and inappropriate.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

July 2, 2020

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Chief Clerk